

NOT DESIGNATED FOR PUBLICATION
ARKANSAS COURT OF APPEALS
D. P. MARSHALL JR., Judge

DIVISION II

CACR06-949

23 May 2007

CHRISTOPHER BENARD WEST,
APPELLANT

v.

STATE OF ARKANSAS,
APPELLEE

AN APPEAL FROM THE PULASKI
COUNTY CIRCUIT COURT
[CR2006-73]

THE HONORABLE JOHN W.
LANGSTON, JUDGE

AFFIRMED

Christopher Benard West appeals his convictions for robbery, theft of property, and resisting arrest. West first contends that substantial evidence does not support his convictions. He argues that the pre-trial photo line-up in which the victim (Bobby Earls) initially identified him was unnecessarily suggestive, unreliable, and violated his due process rights. To preserve his challenge to the pre-trial identification, however, the law required West to make a contemporaneous objection to Earls's identification of him at trial. *Edwards v. State*, 360 Ark. 413, 423, 201 S.W.3d 909, 916–17 (2005). West did not do so. He therefore waived this point. West does not renew on appeal

the arguments he made at trial for a directed verdict. We therefore reject his substantial-evidence challenge. *King v. State*, 323 Ark. 671, 674–75, 916 S.W.2d 732, 734 (1996).

Second, West argues that the circuit court abused its discretion by refusing to grant his day-of-trial motion for a continuance. West sought additional time to locate a witness he said could prove someone other than West was driving Earls's car soon after the robbery. Although he did not know the witness's name, West stated that he thought the witness worked at the Exxon station on the corner of Kanis Road and John Barrow Road in Little Rock. The circuit court denied West's motion because of its tardiness and uncertainty about whether the witness could ever be procured. We see no abuse of discretion in the circumstances. *Anthony v. State*, 339 Ark. 20, 22, 2 S.W.3d 780, 781 (1999).

Affirmed.

VAUGHT and HEFFLEY, JJ., agree.